

REMARKS

Claims 5, 6 and 8 have been cancelled. Accordingly, claims 1-4, 7 and 9 are pending and at issue.

The Abstract has been amended to address the comments of page 2 of the Office Action.

Claim 1 has been amended to recite "an inner hole rim". Accordingly, it is believed the rejection under §112 has been overcome.

Claims 3 and 4 have been amended to delete the reference to an "annular washer". Accordingly, the rejections under §112 is believed to have been overcome.

Independent claim 1 has been amended to recite "a bag". Accordingly, it is believed that there is now sufficient antecedent basis for the recitation of "the bag" in claim 7. Accordingly, it is believed that the §112 rejection should be withdrawn.

Independent claim 1 has been amended to include limitations of original claim 5 and to further characterize the upper aperture rim as forming a one piece construction with a wall of the container that surrounds the upper aperture rim. Accordingly, the rejection of claims 1, 2 and 9 as unpatentable over Garcia (EP 1 050 481) in view of Privas (US 5,417,258) is believed to be moot and should be withdrawn.

The rejection of claims 3-6 as unpatentable over Garcia and Privas and further in view of Nomoto et al (US 6,266,943) is traversed. Claim 1 has been amended to include limitations of original claim 5 and to further characterize the upper aperture rim as forming a one piece construction with a wall of the container that surrounds the upper aperture rim. Garcia, Privas and Nomoto et al, taken alone or together, fail to disclose a bag of flexible material wherein the bag has an upper aperture rim that forms

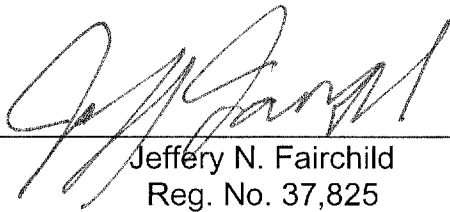
a one piece construction with a wall of the container that surrounds the upper aperture rim. In this regard, the sections of Nomoto et al relied on in the rejection disclose the outer layer 401 and inner layer 402 are made by blow molding of a laminated parison formed by co-extrusion, but do not refer to an upper aperture rim of the bag 402 forming a one piece construction with a wall of the container 401 that surrounds an upper aperture rim. Rather (as may be taken from, for instance, Fig. 1 in combination with column 13, lines 19-25, and Fig. 7 in combination with column 17, line 65 to column 18, line 7), the vertical bonded areas denoted by reference signs 9 and 206, respectively, are provided to prevent deformation of the inner layer in a vertical direction, with the bonded areas extending vertically so as to allow the reduction in shrinkage in the radial direction during the deformation of the inner layer so as to easily pour out the liquid content. Accordingly, a person skilled in the art would not be prompted by the disclosure of Nomoto et al to modify Nomoto et al, or Privas to replace the clamped connections between the bags and containers of Nomoto et al and Privas with a one piece construction as recited in claim 1. Rather, one skilled in the art, at best, would include a vertical bond as denoted by reference signs 9 and 206 in Nomoto et al. Accordingly, the rejection based on Garcia and Privas and Nomoto et al should be withdrawn.

In view of the amendment to claim 1, it is believed that the rejection of claims 6 and 7 is moot. Nevertheless, the rejection is traversed. In this regard, it should be noted that the rejection mischaracterizes the disclosure of Rebeyrolle et al (US 5,031,384). Specifically, the rejection asserts that Rebeyrolle teaches a bag or pouch 4 that is formed in one piece when the aperture rim of the bag is molded to the bottom

end of a container neck. However, contrary to this assertion, the bag 4 is molded to the cap or dome 2, not to a neck of the container 11. Accordingly, the rejection is improper and should not be restated with respect to the amended claims.

Respectfully submitted,

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